

# DR. AMBEDKAR: THE PRINCIPAL ARCHITECT OF THE CONSTITUTION OF INDIA

## PART I

From Dr. Ambedkar's entry into the Constituent Assembly to the presentation of the Draft of the Indian Constitution to the Constituent Assembly

---

### Contents

#### Inter-State Trade and Commerce

Prohibition of preference or discrimination to one state over other by any law or regulation relating to trade or commerce.	<b>243.</b> No preference shall be given to one State over another nor shall any discrimination be made between one State and another by any law or regulation relating to trade or commerce, whether carried by land, water or air.	
Restriction on trade, commerce & intercourse between States.	<b>*244.</b> Notwithstanding anything contained in article 16 or in the last preceding article of this Constitution, it shall be lawful .for any State— (a) to impose on goods imported from other States any tax to which similar goods manufactured or produced in that Stated are subject, so, however, as ,not to discriminate between goods so imported and goods so manufactured or produced ; and (b) to impose by law such reasonable restrictions on the freedom of trade, commerce or intercourse with that State as may be required in the public interests:  Provided that during a period of five years from the commencement of this Constitution the" provisions of clause (b) of this article shall not apply to trade or commerce in any of the commodities mentioned in clause (a) of article 306 of this Constitution.	

Appointment of authority to carry out the provisions of articles 243 & 244.	<b>*245.</b> Parliament shall by law appoint such authority as it considers appropriate for the carrying out of the provisions of articles 243 and 244 of this Constitution and confer on the authority so appointed such powers and such duties as it thinks necessary.	
---	--	--

**\*Co-ordination between States**

Provisions with respect to an Inter-State Council.	<p><b>246.</b> If at any time it appears to the President that the public interests would be served by the establishment of a Council charged with the duty of—</p> <p>(a) inquiring into and advising upon disputes which may have arisen between States;</p> <p>(b) investigating and discussing subjects in which some or all of the States, or the Union and one or more of the States have a common interest; or</p> <p>(c) making recommendations upon any such subject and, in particular, recommendations for the better co-ordination of policy and action with respect to that subject, it shall be lawful for the President by order to establish such a Council and to define the nature of . the duties to be performed by it and its organisation and procedure.</p>	
--	--	--

**PART X**

**Finance, Property, Contracts and Suits**

**CHAPTER I-Finance**

**DISTRIBUTION OF REVENUES BETWEEN THE UNION AND THE STATES**

Interpretation	<p><b>247.</b> In tills Part, unless the context otherwise requires,--</p> <p>(a) "Finance Commission" means a Finance Commission constituted under article 260 of this</p>	
----------------	---	--

	<p>Constitution;</p> <p>(b) "State" does not include a State for the time being specified in Part II of the First Schedule;</p> <p>(c) references to States for the time being specified in Part II of the First Schedule shall include references to any Territory specified in Part IV of the First Schedule and any other territory comprised within the territory of India but not specified in that Schedule.</p>	
<p>Meaning of "Revenues of India" &amp; "revenues of State."</p>	<p><b>248.</b> Subject to the following provisions of this Chapter with respect to the assignment of the whole or part of the net proceeds of certain taxes and duties to States, the expression revenues of India ; includes all revenues and public moneys raised or received by the Government of India and the expression 'revenues of the State ' includes all revenues and public moneys raised or received by the Government of a State.</p>	
<p>Duties levied by the Union but collected &amp; appropriated by the States.</p>	<p><b>249.</b></p> <p>(1) Such stamp duties <u>and such duties of excise on medicinal and toilet preparations as are mentioned in the Union List</u> shall be levied by the Government of India but shall be collected—</p> <p>(a) in the case where such duties are leviable within any State for the time being specified in Part II of the First Schedule, by the Government of India, and</p> <p>(b) in other cases, by the States within which such duties are respectively leviable.</p> <p>(2) The proceeds in any financial year of any such duty leviable in that year within any State shall not form part of the revenues of India, but shall be assigned to that State.</p>	
<p>Taxes levied &amp; collected by the Union but assigned to the States.</p>	<p><b>250.</b></p> <p>(1) The following duties and taxes shall be levied and collected by the Government of India but shall be assigned to the States in the manner provided in clause (2) of this article, namely:—</p>	

	<p>(a) duties in respect of succession to property other than agricultural land;</p> <p>(b) estate duty in respect of property other than agricultural land;</p> <p>(c) terminal taxes on goods or passengers carried by railway or air;</p> <p>(d) taxes on railway fares and freights.</p> <p>(2) The net proceeds in any financial year of any such duty or tax, except in so far as those proceeds represent proceeds attributable to States for the time being specified in Part II of the First Schedule, shall not form part of the revenues of India, but shall be assigned to the States within which that duty or tax is leviable in that year, and shall be distributed among those States in accordance with such principles of distribution as may be formulated by Parliament by law.</p>	
<p>Taxes levied &amp; collected by the Union &amp; distributed between the Union &amp; States.</p>	<p><b>251.</b></p> <p>(1) Taxes on income other than agricultural income shall be levied and Collected by the Government of India and distributed between, the Union and the States in the manner provided in clause (2) of this article.</p> <p>(2) Such percentage, as may be prescribed, of the net proceeds in any financial year of any such tax, except in so far as those proceeds represent proceeds attributable to States for the time being specified in Part II of the First Schedule or the taxes payable in respect of Union emoluments, shall not form part of the revenues of India, but shall be assigned to the States within which that tax is leviable in that year, and shall be distributed among those States in such manner and from such time as may be prescribed.</p> <p>(3) For the purposes of clause (2) of this article; in each financial year such percentage as may be prescribed of so much of the net proceeds of taxes on income as does not represent the net proceeds of taxes payable in respect of Union emoluments shall be deemed to represent proceeds attributable to</p>	

	<p>States for the time being specified in Part II of the First Schedule.</p> <p>(4) In this article—</p> <p>(a) "taxes on income" includes any sum levied by the Government of India in lieu of any tax on income as referred to in clause (a) of the proviso to article 266 of this Constitution but does not include a corporation tax;</p> <p>(b) "prescribed" means—</p> <p>(i) until a Finance Commission has been constituted, prescribed by the President by order, and</p> <p>(ii) after a Finance Commission has been constituted, prescribed by the President by order after considering the recommendations of the Finance Commission.</p> <p>(c) "Union emoluments" includes all emoluments and pensions payable out of the revenues of India in respect of which income-tax is chargeable.</p>	
<p>Surcharge on certain duties &amp; taxes for the purposes of the Union.</p>	<p><b>252.</b> Notwithstanding anything contained in articles 250 and 251 of this Constitution, Parliament may at any time increase any of the duties or taxes referred to in those articles by a surcharge for purposes of the Union and the whole proceeds of any such surcharge shall form part of the revenues of India*</p>	
<p>Taxes which are levied &amp; collected by the Union &amp; may be distributed between the Union &amp; the States.</p>	<p><b>*253.</b></p> <p>(1) No duties on salt shall be levied by the Union.</p> <p>(2) Union duties of excise other than such duties of excise on medicinal and toilet preparations as are mentioned in the Union List shall be levied and collected by the government of India, but, if Parliament by law so provides, there shall be paid out of the revenues of India to the States to which the law imposing the duty extends, sums equivalent to the whole or any part of the net proceeds of that duty, and those sums shall be distributed among those States in accordance with such principles of distribution as may be formulated by such law.</p>	

<p>Distribution of duty on jute or jute products.</p>	<p><b>254.</b> Notwithstanding anything in article 253 of this Constitution, such proportion, as Parliament may by law determine, of the net proceeds in each year of any export duty on jute or jute-products shall not form part of the revenues of India, but shall be assigned to the States in which jute is grown in accordance with such principles of distribution as may be formulated by such law:</p> <p>Provided that until Parliament so determine, there shall be assigned to those States out of the net proceeds of the duty in each year such part thereof and in such proportions as may have been fixed in that behalf by any order made under the Government of India Act, 1935, and in force immediately before the commencement of this Constitution.</p>	
<p>grants from the Union to certain States.</p>	<p><b>255.</b> Such sums, as Parliament may by law provide, shall be charged on the "revenues of India in each year as grants-in-aid of the revenues of such States as Parliament may determine to be in need of assistance, and different sums may be fixed for different States:</p> <p>Provided that there shall be paid out of the revenues of India as grants-in-aid of the revenues of a State for the time being specified in Part I of the First Schedule such capital and recurring sums as may be necessary to enable that State to meet the costs of such schemes of development as may be undertaken by the State with the approval of the Government of India for the purpose of promoting the welfare of the scheduled tribes in that State or raising the level of administration of the scheduled areas in that State to that of the administration of the rest of the areas of that State:</p> <p>Provided further that there shall be paid out of the revenues of India as grants-in-aid of the revenues of the State of Assam sums, capital and recurring, equivalent to—</p> <p>(a) the average excess of expenditure over the revenues during the three years immediately</p>	

	<p>preceding the commencement of this Constitution in respect of the administration of the tribal areas specified in Part I of the table appended to paragraph 19 of the sixth Schedule; and</p> <p>(b) the costs of such schemes of development as may be undertaken by that State with the approval of the Government of India for the purpose of raising the level of administration of the said areas to that of the administration of the rest of the areas of that State.</p>	
<p>Taxes on professions, trades, callings &amp; employment's.</p>	<p><b>256.</b></p> <p>(1) Notwithstanding anything in article 217 of this Constitution but subject to the provisions, of clauses (2) and (3) of this article, the Legislature of a State shall have power to make laws with respect to taxes on professions, trades, callings and employments for the benefit of the State or of a municipality, district board, Total board or other Total authority therein.</p> <p>(2) The Total amount payable in respect of any one person to the State or to any one municipality, district board, Total board or other Total authority in the State by way of taxes on professions, trades, callings and employments shall not exceed two hundred and fifty rupees per annum:</p> <p>Provided that, if in the financial year immediately preceding the commencement of this Constitution there was in force in any State or any such municipality, board or authority, a tax on professions, trades, callings or employments, the rate, or the maximum rate, of which exceeded two hundred and fifty rupees per annum, such tax may continue to be levied until provision to the contrary is made by Parliament by law, and any law so made by Parliament may be made either generally or in relation to any specified States, municipalities, boards or authorities.</p> <p>(3) The power of the Legislature of a State to make laws as aforesaid with respect to taxes on professions, trades, callings and employments shall not be</p>	

	<p>construed as limiting in any way the power of Parliament to make laws with respect to taxes on income accruing from or arising out of professions, trades, callings and employments.</p>	
Savings	<p><b>257.</b> Any taxes, duties, cesses or fees which immediately before the commencement of this Constitution, were being lawfully levied by the Government of any State or by any municipality or other Total authority or body for the purposes of the State, municipality, district or other Total area may, notwithstanding that those taxes, duties, cesses or fees are mentioned in the Union List, continue to be levied and to be applied to the same purposes until provision to the contrary is made by Parliament.</p>	
<p>Agreement with States specified in Part III of the first Schedule with regard to the levy, collection &amp; distribution of taxes &amp; duties.</p>	<p><b>258.</b></p> <p>(1) Notwithstanding anything contained in this Chapter, the Union may, subject to the provisions of clause (2) of this article, enter into an agreement with a State for the time being specified in Part III of the First Schedule with respect to the levy and collection of any tax or duty leviable by the Government of India in such State and for the distribution of the proceeds thereof otherwise than in accordance with the provisions of this Chapter and, when an agreement is so entered into, the provisions of this Chapter shall in relation to such State have effect subject to the terms of such agreement.</p> <p>(2) An agreement entered into under clause (1) of this article shall continue in force for a period not exceeding ten years from the commencement of this Constitution:</p> <p>Provided that the President may at any time after the expiration of five years from such commencement terminate or modify any such agreement if after consideration of the report of the Finance Commission he thinks it necessary to do so.</p>	



<p>Calculation of “net proceeds”, etc.</p>	<p><b>259.</b></p> <p>(1) In the foregoing provisions of this Chapter, "net proceeds" means in relation to any tax or duty the proceeds thereof reduced by the cost of collection, and for the purposes of those provisions the net proceeds of any tax or duty, or of any part of any tax or duty, in or attributable to any area shall be ascertained and certified by the Auditor-General of India, whose certificate shall be final.</p> <p>(2) Subject as aforesaid, and to any other express provision in this Chapter, a law made by Parliament or an order of the President may, in any case where under this Part of this Constitution the proceeds of any duty or tax are, or may be, assigned to any State, provide for the manner in which the proceeds are to be calculated, for the time from or at which and the manner in which any payments are to be made, for the making of adjustments between one financial year and another, and for any other incidental or ancillary matters.</p>	
<p>Finance commission</p>	<p><b>260.</b></p> <p>(1) The President shall, at the expiration of five years from the commencement of this Constitution and thereafter at the expiration of every fifth year or at such other time as the President considers necessary, by order constitute a Finance Commission which shall consist of a Chairman and four other members to be appointed by the President.</p> <p>(2) Parliament may, by law, determine the qualifications which shall be requisite for appointment as members of the Commission and the manner in which they shall be selected.</p> <p>(3) It shall be the duty of the Commission to make recommendations to the President as to—</p> <p>(a) the distribution between the Union and the States of the net proceeds of taxes which are to be, or may be, divided between them under this Chapter and the allocation between the States of the respective</p>	

	<p>shares of such proceeds;</p> <p>(b) the principles which should govern the grants-in-aid to the States out of the revenues of India;</p> <p>(c) the continuance or modification of the terms of any agreement entered into by the Union with any State for the time being specified in Part III of the First Schedule as respects the levy, collection and distribution of any tax or duty leviable by the Government of India in such State; and</p> <p>(d) any other matter referred to the Commission by the President in the interest of sound finance.</p> <p>(4) The Commission shall determine their procedure and shall have such powers in the performance of their functions as Parliament may by law confer on them.</p>	
Recommendations of the Finance Commission.	<p><b>261.</b> The President shall cause every recommendation made by the Finance Commission under the foregoing provisions of this Chapter together with an explanatory memorandum as to the action taken thereon to be laid before Parliament.</p>	

### Miscellaneous Financial Provisions

Expenditure defrayable out of the revenues of India.	<p><b>262.</b> The Union or a State may make any grants for any public purpose, notwithstanding that the purpose is not one with respect to which Parliament or the Legislature of the State, as the case may be, may make laws.</p>	
Provisions as to the custody of public moneys.	<p><b>263.</b></p> <p>(1) Rules may be made by the President and by the Governor of a State for the purpose of securing that all moneys received on account of the revenues of India or of the State, as the case may be, shall, with such exceptions, if any, as may be specified in the rules, be paid into the public accounts of India or of</p>	

	<p>the State, and the rules so made may prescribe, or authorise some person to prescribe, the procedure to be followed in respect of the payment of moneys into the said account, the withdrawal of moneys therefrom, the custody of moneys therein and any other matter connected with or ancillary to the matters aforesaid.</p> <p>(2) Notwithstanding anything in this article, Parliament may by law regulate the custody of moneys received on account of the revenues of India their payment into the public account of India and the withdrawal of moneys from such account, and the Legislature of a State may by law regulate the custody of all moneys received on account of the revenues of the State, their payment into the public account of the State and the withdrawal of moneys from such account, and any rules made under this article shall have effect subject to the provisions of any such law.</p>	
<p>Exemption of certain public property from taxation.</p>	<p><b>264.</b> The property of the Union shall, save in so far as Parliament may by law otherwise provide, be exempt from all tax.</p> <p><b>263.</b> (1) Rules may be made by the President and by the Governor of a State for the purpose of securing that all moneys received on account of the revenues of India or of the State, as the case may be, shall, with such exceptions, if any, as may be specified in the rules, be paid into the public accounts of India or of the State, and the rules so made may prescribe, or authorise some person to prescribe, the procedure to be followed in respect of the payment of moneys into the said account, the withdrawal of moneys therefrom, the custody of moneys therein and any other matter connected with or ancillary to the matters aforesaid.</p> <p>(2) Notwithstanding anything in this article, Parliament may by law regulate the custody of moneys received on account of the revenues of India their payment into the public account of India and the withdrawal of moneys from such account, and the Legislature of a State may by law regulate the custody of all moneys</p>	

	<p>received on account of the revenues of the State, their payment into the public account of the State and the withdrawal of moneys from such account, and any rules made under this article shall have effect subject to the provisions of any such law.</p> <p>Taxes imposed by or by any authority within a State:</p> <p>Provided that until Parliament, by law, otherwise provides, any property of the Union which was immediately before the commencement of this Constitution liable or treated as liable to any such tax shall, so long as that tax continues, continue to be liable or to be treated as liable thereto.</p>	
<p>Exemption from taxes on electricity.</p>	<p><b>265.</b></p> <p>Save in so far as Parliament may, by law, otherwise provide, no law of a State shall impose, or authorise the imposition of, a tax on the consumption or sale of electricity (whether produced by Government or other person) which is—</p> <p>(a) consumed by the Government of India, or sold to the Government of India for consumption by that Government; or</p> <p>(b) consumed in the construction, maintenance or operation of a Union railway by the Government or a railway company operating that railway or sold to that Government or any such railway company for consumption in the construction, maintenance or operation of a Union railway, and any such law imposing, or authorising the imposition of, a tax on the sale of electricity shall secure that the price of electricity sold to the Government of India for consumption by that Government, or to any such railway company as aforesaid for consumption in the construction, maintenance or operation of a Union railway, shall be less by the amount of the tax than the price charged to other consumers of a substantial quantity of electricity.</p>	
<p>Exemption of</p>	<p><b>266.</b> Subject as hereinafter provided, the Government of</p>	

<p>the Governments of States in respect of Union taxation.</p>	<p>a State shall not be liable to Union taxation in respect of lands or buildings situate within the territory of India, or income accruing, arising or received within such territory:</p> <p>Provided that—</p> <p>(a) where a trade or business of any kind is carried on by or on behalf of the Government of a State, nothing in this article shall exempt that Government from any Union tax or the levy of a sum in lieu of such tax in respect of that trade or business or any operations connected therewith, or any income arising in connection therewith, or any property occupied for the purposes thereof;</p> <p>(b) nothing in this article shall exempt the Ruler of any State for the time being specified in Part III of the First Schedule from any Union tax in respect of lands, buildings or income being his personal property or personal income.</p> <p><b>Explanation.</b>—For the purposes of this article, any operations incidental to the ordinary functions of the Government of a State, such as, the sale of the forest produce of any forest under the control of the Government of a State or of any article produced in any jail within a State, shall not be deemed to be a trade or business carried on by or on behalf of the Government of the State.</p>	
<p>Adjustments in respect of certain expenses &amp; pension.</p>	<p><b>267.</b> Where under the provisions of this Constitution the expenses of any court or Commission, or pensions payable to or in respect of a person who has served before the commencement of this Constitution under the Crown in India, are charged on the revenues of India or the revenues of a State for the time being specified in Part I of the First Schedule, then if—</p> <p>(a) in the case of a charge on the revenues of India, the court or Commission serves any of the separate needs of a State so specified, or the person has served wholly or in part in connection with the affairs</p>	

	<p>of such a State: or</p> <p>(b) in the case of a charge on the revenues of a State so specified, the court or Commission serves any of the separate needs of the Union or another State so specified, or the person has served wholly or in part in connection with the affairs of the Union or another such State, there shall be charged on and paid out of the revenues of the State or, as the case may be, the revenues of India or of the other State, such contribution in respect of expenses or pensions as may be agreed, or as may in default of agreement be determined by an arbitrator to be appointed by the Chief Justice of India.</p>	
--	---	--

### CHAPTER II-Borrowing

<p>Borrowing by the Government of India.</p>	<p><b>268.</b> The executive power of the Union extends to borrowing upon the security of the revenues of India within such limits, if any, as may from time to time be fixed by Parliament by law and to the giving of guarantees within such limits, if any, as may be so fixed.</p>	
--	--	--

### CHAPTER III-Property, Contracts, Liabilities and Suits

<p>Borrowing by States.</p>	<p><b>269.</b></p> <p>(1) Subject to the provisions of this article, the executive power of a State for the time being specified in Part I of the First Schedule extends to borrowing within the territory of India upon the security of the revenues of the State within such limits, if any, as may from time to time be fixed by the Legislature of such State by law and to the giving of guarantees within such limits, if any, as may be so fixed.</p>	
-----------------------------	--	--

	<p>(2) The Government of India may, subject to such conditions, if any, as it may think fit to impose, make loans to States for the time being specified in Part I or Part III of the First Schedule or so long as any limits fixed under the last preceding article are not exceeded, give guarantees in respect of loans raised by any such State and any sums required for the purpose of making such loans shall be charged on the revenues of India.</p> <p>(3) A State for the time being specified in Part I or Part III of the First Schedule may not without the consent of the Government of India raise any loan if there is still outstanding any part of a loan which has been made to the State by the Government of India or its predecessor Government or in respect of which a guarantee has been given by the Government of India or by its predecessor Government.</p> <p>A consent under this clause may be granted subject to such conditions, if any, as the Government of India may think fit to impose.</p>	
<p>Succession to assets &amp; debts, rights &amp; liabilities.</p>	<p><b>270.</b> As from the commencement of this Constitution, the Government of India and the Government of each State for the time being specified in Part I of the First Schedule shall respectively be the successors of the Government of the Dominion of India and of the corresponding Governors' Provinces as regards all property, assets and liabilities subject to any adjustment made or to be made by reason of the creation before the commencement of this Constitution of the Dominion of Pakistan or of the Provinces of West Bengal, East Bengal, West Punjab and East Punjab.</p>	
<p>Property accruing by escheat or lapse or as bona vacantia.</p>	<p><b>271.</b> Subject as hereinafter provided, any property in the territory of India except the States for the time being specified in Part III of the First Schedule which, if this Constitution had not come into operation, would have accrued to His Majesty by escheat or lapse, or as bona vacantia for want of a rightful owner, shall, if it is property</p>	

	<p>situate in a State for the time property accruing by escheat or lapse or as bona vacantia.</p> <p>e being specified in Part I of the First Schedule, vest in such State for the purposes of the Government of that State, and shall, in any other case, vest in the Union for the purposes of the Government of India:</p> <p>Provided that any property which at the date when it would have so accrued to His Majesty was in the possession or under the control of the Government of India or the Government of a State for the time being specified in Part I of the First Schedule shall, according as the purposes for which it was then used or held were purposes of the Union or of a State so specified, vest in the Union for the purposes of the Government of India or in the State for the purposes of the Government of that State.</p>	
<p>Power to acquire property.</p>	<p><b>272.</b> (1) The executive power of the Union and of each State for the time being specified in Part 115 of the First Schedule shall extend, subject to any Act of the appropriate Legislature, to the grant, sale, disposition or mortgage of any property held for the purposes of the Union or of such State, as the case may be, and to the purchase or acquisition of property for those purposes respectively, and to the making of contracts.</p> <p>(2) All property acquired for the purposes of the Union or of a State for the time being specified in Part I of the First Schedule shall vest in the Union or any such State, as the case may be.</p>	
<p>Contracts.</p>	<p><b>273.</b> (1) All contracts made in the exercise of the executive power of the Union or of a State for the time being specified in Part I of the First Schedule shall be expressed to be made by the President, or by the Governor of the State, as the case may be, and all such contracts and all assurances of property made in the exercise of that power shall be executed on behalf of the President or the Governor by such persons and in such manner as he may direct or authorise.</p> <p>(2) Neither the President, nor the Governor of a State,</p>	



	shall be personally liable in respect of any contract or assurance made or executed for the purposes of this Constitution, or for the purposes of any enactment relating to the Government of India heretofore in force, nor shall any person making or executing such contract or assurance on behalf of any of them be personally liable in respect thereof.	
Suits and proceedings	<p><b>274.</b></p> <p>(1) The Government of India may sue or be sued by the name of the Government of India and the Government of a State for the time being specified in Part I of the First Schedule may sue or be sued by the name of the State and may, subject to any provisions which may be made by Act of Parliament or by the Legislature of such State, enacted by virtue of powers conferred by this Constitution, sue or be sued in relation to their respective affairs in the like cases as the Dominion of India and the corresponding Provinces might have sued or been sued if this Constitution had not been enacted.</p> <p>(2) If at the date of commencement of this Constitution—</p> <p>(a) any legal proceedings are pending to which the Dominion of India is a party, the Government of India shall be deemed to be substituted for the Dominion in those proceedings; and</p> <p>(b) any legal proceedings are pending to which a Province is a Party, the corresponding State shall be deemed to be substituted for the Province in those proceedings.</p>	

**PART XI**  
**Emergency Provisions**

Proclamation of emergency	<p><b>275.</b></p> <p>(1) If the President is satisfied that a grave emergency exists whereby the security of India is threatened, whether by war or domestic violence, he may by proclamation, make a declaration to that effect.</p>	
---------------------------	--	--

	<p>(2) A proclamation issued under clause (1) of this article (in this Constitution to as "a Proclamation of Emergency")—</p> <p>(a) may be revoked by a subsequent proclamation ;</p> <p>(b) shall be laid before each House of Parliament;</p> <p>(c) shall cease to operate at the expiration of six months, unless before the expiration of that period it has been approved by resolutions of both Houses of Parliament.</p> <p>(3) A Proclamation of Emergency declaring that the security of India is threatened by war or by domestic violence may be made before the actual occurrence of war or of any such violence if the President is satisfied that there is imminent danger thereof.</p>	
<p>Effects of proclamation of emergency.</p>	<p><b>276.</b> Where a Proclamation of Emergency is in operation, then, notwithstanding anything contained in this Constitution—</p> <p>(a) the executive power of the Union shall extend to the giving of directions to any State as to the manner in which the executive power thereof is to be exercised;</p> <p>(b) the power of Parliament to make laws with respect to any matter shall include power to make laws conferring powers and imposing duties or authorising the conferring of powers and the imposition of duties upon the Government of India or officers and authorities of the Government of India as respects that matter.</p>	
<p>Application of provisions relating to distribution of revenues during the period of Proclamation of Emergency is in operation.</p>	<p><b>277.</b> The President may, while a Proclamation of Emergency is in operation, by order, direct that all or any of the provisions of articles <b>249 to 259 of this 276.</b> Where a Proclamation of Emergency is in operation, then, notwithstanding anything contained in this Constitution—</p> <p>(a) the executive power of the Union shall extend to the giving of directions to any State as to the manner in which the executive power thereof is to be exercised;</p> <p>(b) the power of Parliament to make laws with respect to any matter shall include power to make laws conferring powers and imposing duties or authorising</p>	

	<p>the conferring of powers and the imposition of duties upon the Government of India or officers and authorities of the Government of India as respects that matter.</p> <p>Constitution shall for such period, not extending in any case beyond the expiration of the financial year in which such proclamation ceases to operate, as may be specified in the order, have effect subject to such exceptions or modifications as he thinks fit.</p>	
<p>Provision in case of failure of constitutional machinery in States in Part I of the First Schedule.</p>	<p><b>278.</b></p> <p>(1) If the President, on receipt of a proclamation issued by the Governor of a State under article 188 of this Constitution, is satisfied that a situation has arisen in which the government of the State cannot be carried on in accordance with the provisions of this Constitution, he may by proclamation—</p> <p>(a) assume to himself all or any of the functions of the Government of the State and all or any of the powers vested in or exercisable by the Governor or any body or authority in the State other than the Legislature of the State;</p> <p>(b) declare that the powers of the Legislature of the State shall be exercisable only by Parliament; and any such proclamation may contain such incidental and consequential provisions as may appear to him to be necessary or desirable for giving effect to the objects of the proclamation, including provisions for suspending in whole or in part the operation of any provisions of this Constitution relating to any body or authority in that State:</p> <p>Provided that nothing in this clause shall authorise the President to assume to himself any of the powers vested in or exercisable by a High Court or to suspend, either in whole or in part, the operation of any provision of this Constitution relating to High Courts.</p> <p>(2) Any such proclamation may be revoked or varied by a subsequent proclamation.</p> <p>(3) A proclamation under this article—</p>	

	<p>(a) shall be laid before each House of Parliament:  (b) except where it is a proclamation revoking a previous proclamation, shall cease to operate at the expiration of six months:</p> <p>Provided that, if and so often as a resolution approving the continuance in force of such a proclamation is passed by both Houses of Parliament, the proclamation shall, unless revoked, continue in force for a further period of twelve months from the date on which under this clause it would otherwise have ceased to operate, but no such proclamation shall in any case remain in force for more than three years.</p> <p>(4) Where by a proclamation issued under clause (1) of this article it has been declared that the powers of the Legislature of the State shall be exercisable only by Parliament, it shall be competent—</p> <p>(a) for Parliament to make laws conferring powers and imposing duties, or authorising the conferring of powers and the imposition of duties, upon the Government of India or officers and authorities of the Government of India;</p> <p>(b) for the President to promulgate Ordinances under article 102 of this Constitution except when both Houses of Parliament are in session.</p> <p>(5) Any law made by Parliament which Parliament would not but for the issue of a proclamation under this article have been competent to make shall to the extent of the incompetency cease to have effect on the expiration of a period of one year after the proclamation has ceased to operate, except as respects things done or omitted to be done before the expiration of the said period unless the provisions which shall so cease to have effect are sooner repealed or re-enacted with or without modification by Act of the Legislature of the State.</p>	
<p>Suspension of Provisions of article 13</p>	<p><b>279.</b> While a Proclamation of Emergency is in operation, nothing in article 13 of Part III of this Constitution shall restrict the power of the State as defined in that Part to</p>	

during emergencies.	make any law or to take any executive action which the State would otherwise be competent to make or to take.	
Suspension of the rights guaranteed by article 25 of the Constitution during emergencies.	<b>*280.</b> Where a Proclamation of Emergency is in operation, the President may by order declare that the rights guaranteed by article 25 of this Constitution shall remain suspended for such period not extending beyond a period of six months after the proclamation has ceased to be in operation as may be specified in such order.	

## PART XII

### Services under the Union and the States

#### CHAPTER I - \*Services

Interpretation	<b>281.</b> In this Part, unless the context otherwise requires, the expression "State" means a State for the time being specified in Part I of the First Schedule.	
Recruitment & conditions of service of persons serving the Union or a State.	<p><b>282.</b></p> <p>(1) Subject to the provisions of clause (2) of this article, Acts of the appropriate Legislature may regulate the recruitment and the conditions of service of persons appointed to public services, and to posts in connection with the affairs, of the Union or any State.</p> <p>(2) No person who is a member of any civil service or holds any civil post in connection with the affairs of the Government of India or the Government of a State shall be dismissed, removed or reduced in rank until he has been given a reasonable opportunity of showing cause against the action proposed to be taken in regard to him:</p> <p>Provided that this clause shall not apply—</p> <p>(a) where a person is dismissed, removed, or reduced in rank on the ground of conduct which has led to his conviction on a criminal charge; or</p>	

	(b) where an authority empowered to dismiss a person or remove him or reduce him in rank is satisfied that for some reason to be recorded by that authority in writing it is not reasonably practicable to give that person an opportunity of showing cause.	
Transitional provisions.	<b>283.</b> Until other provision is made in this behalf under this Constitution, any rules which were in force immediately before the commencement of this Constitution and were applicable to any public service or any post which has continued to exist after the commencement of this Constitution as a service or post under the Union or a State shall continue in force so far as consistent with the provisions of this Constitution.	

## CHAPTER II-Public Service

### Commissions

Public Service Commissions for the Union & for the States.	<p><b>284.</b></p> <p>(1) Subject to the provisions of this article there shall be a Public Service Commission for the Union and a Public Service Commission for each State.</p> <p>(2) Two or more States may agree—</p> <p>(a) that there shall be one Public Service Commission for that group of States; or</p> <p>(b) that the Public Service Commission for one of the States shall serve the needs of all the States;</p> <p>and any such agreement may contain such incidental and consequential provisions as may appear necessary or desirable for giving effect to the purposes of the agreement and shall, in the case of an agreement that there shall be one Commission for a group of States, specify by what Governor or</p>	
--	--	--

	<p>Governors the functions which are under this Part of this Constitution to be discharged by the Governor of a State are to be discharged.</p> <p>(3) The Public Service Commission for the -Union if requested so to do by the Governor of a State may, with the approval of the President, agree to serve all or any of the needs of the State.</p> <p>(4) References in this Constitution to the Union Public Service Commission or a State Public Service Commission shall, unless the context otherwise requires, be construed as references to the Commission serving the needs of the Union, or, as the case may be, the State as respects the particular matter in question.</p>	
<p>Composition &amp; staff of Commissions.</p>	<p><b>285.</b> (1) The Chairman and other members of a Public Service Commission shall be appointed, in the case of the Union Commission, by the President, and in the case of a State Commission, by the Governor of the State in his discretion:</p> <p>Provided that at least one-half of the members of every Public Service Commission shall be persons who at the dates of their respective appointments have held office for at least ten years either under the Government of India or under the Government of a State and in computing the said period of ten years any period before the commencement of this Constitution during which a person has held office under the Crown shall be included.</p> <p>(2) In the case of the Union Commission, the President and, in the case of a State Commission, the Governor of the State in his discretion, may by regulations—</p> <p>(a) determine the number of members of the Commission, their tenure of office and their conditions of service; and</p> <p>(b) make provision with respect to the number of members of the staff of the Commission and their</p>	

	<p>conditions of service.</p> <p>(3) On ceasing to hold office—</p> <p>(a) the Chairman of the Union Commission shall be ineligible for further employment either under the Government of India or under the Government of a State;</p> <p>(b) the Chairman of a State Commission shall 30 be eligible for appointment as the Chairman or a member of the Union Commission or as the Chairman of another State Commission, but not for any other employment either under the Government of India or under the Government of a State;</p> <p>(c) no other member of the Union or of any State Commission shall be eligible for any other appointment either under the Government of India or the Government of a State without the approval, in the case of an appointment in connection with the affairs of a State, of the Governor of the State and, in the case of any other appointment, of the President.</p>	
<p>Functions of Public Service Commissions.</p>	<p><b>286.</b></p> <p>(1) It shall be the duty of the Union and the State Public Service Commissions to conduct examinations for appointments to the services of the Union and the services of the State respectively.</p> <p>(2) It shall also be the duty of the Union Public Service Commission, if requested by any two or more States so to do, to assist those States in framing and operating schemes of joint recruitment for any services for which candidates possessing special qualifications are required.</p> <p>(3) The President as respects the All India Services and also as respects other services and posts in connection with the affairs of the Union, and the Governor as respects other services and posts in connection with the affairs of a State, may make regulations specifying the matters in which either generally, or in any particular class of case or in any particular circumstances, it shall not be necessary for a Public Service Commission to be consulted, but,</p>	



	<p>subject to regulations so made and to the provisions of the next succeeding clause, the Union Commission or, as the case may be, the State Commission shall be consulted—</p> <p>(a) on all matters relating to methods of recruitment to civil services and for civil posts;</p> <p>(b) on the principles to be followed in making appointments to civil services and posts and in making promotions and transfers from one service to another and on the suitability of candidates for such appointments, promotions or transfers',</p> <p>(c) on all disciplinary matters affecting a person serving under the Government of India or the Government of a State in a civil capacity, including memorials or petitions relating to such matters;</p> <p>(d) on any claim by or in respect of a person who is serving or has served under the Government of India or the Government of a State or under the Crown, in a civil capacity that any costs incurred by him in defending legal proceedings instituted against him in respect of acts done or purporting to be done in the execution of his duty should be paid out of the revenues of India or, as the case may be, the State;</p> <p>(e) on any claim for the award of a pension in respect of injuries sustained by a person while serving under the Government of India or the Government of a State or under the Crown in a civil capacity, and any question as to the amount of any such award and it shall be the duty of a Public Service Commission to advise on any matter so referred to them and on any other matter which the President or, as the case may be, the Governor may refer to them.</p> <p>(4) Nothing in this article shall require a Public Service Commission to be consulted as respects the manner in which appointments and posts are to be allocated as between the various communities in the Union or a State.</p>	
Powers to extend	<b>287.</b> Subject to the provisions of this article, an Act made by Parliament or by the Legislature of the	

functions of Public Service Commissions.	<p>State may provide for the exercise of additional functions by the Union Public Service Commission, or, as the case may be, by the State Public Service Commission:</p> <p>Provided that where the Act is made by the Legislature of a State, it shall be a term of such Act that the functions conferred by it shall not be exercisable in relation to any person who is not a member of one of the services of the State except with the consent of the President.</p>	
Expenses of Public Service Commission.	<p><b>288.</b> The expenses of the Union or a State Public Service Commission, including any salaries, allowances and pensions payable to or in respect of the* members or staff of the Commission, shall be charged on the revenues of India or, as the case may be, the State</p>	

### PART XIII

#### Elections

Superintendence, direction & control of elections to be vested in an Election Commission.	<p><b>289.</b></p> <p>(1) The superintendence, direction and control of all elections to Parliament and of elections to the offices of President and Vice-President held under this Constitution, including the appointment of election tribunals for the decision of doubts and disputes arising out of or in connection with the elections to Parliament, shall be vested in a Commission to be appointed by the President.</p> <p>(2) The superintendence, direction and control of all elections to the Legislature of a State for the time being specified in Part I of the First Schedule and of elections to the office of Governor of the State* <u>elections to constitute a panel for the purpose of the appointment of a Governor of the State</u> held under this Constitution including the appointment of election tribunals for the decision of doubts and</p>	
---	---	--

	disputes arising out of or in connection with elections to the Legislature of such State shall be vested in a Commission <u>to be appointed by the Governor of the State.</u> *	
Elections to parliament	<b>290.</b> Subject to the provisions of this Constitution, Parliament may, from time to time, by law, make provision with respect to all matters relating to or in connection with elections to either House of Parliament including matters necessary for securing the due constitution of the two Houses of Parliament and the delimitation of constituencies.	
Elections to the Legislatures of States.	<b>291.</b> Subject to the provisions of this Constitution, the Legislature of a State for the time being specified in Part I of the First Schedule may, from time to time, by law, make provision with respect to all matters relating to or in. connection with elections to the House or Houses of the Legislature of the State including matters necessary for securing the due constitution of such House or Houses and the delimitation of constituencies.	

#### PART XIV

#### Special Provisions Relating to Minorities

Reservation of seats for minorities in the Houses of the People.	<b>292.</b> Seats shall be reserved in the House of the People for— (a) the Muslim community and the Scheduled Castes; (a) the scheduled tribes in every State for the time being specified in Part I of the first Schedule; and (b) the Indian Christian community in the States of Madras and Bombay, according to the scale prescribed in sub-clause (b) of clause (5) of article 67 of this Constitution.	
Special provisions regarding the	<b>293.</b> Notwithstanding anything contained in article 67 of this Constitution, the President may, if he is of opinion that the Anglo-Indian community is not	

<p>representation of the Anglo-Indian community in the House of People.</p>	<p>adequately represented in the House of the People, nominate not more than two members of the community to the House of the People.</p>	
<p>Reservation of seats for minorities in the Legislative Assemblies of the States.</p>	<p><b>294.</b> (1) Seats shall be reserved for—</p> <p>(a) the Muslim community, the Scheduled Castes and the scheduled tribes (except the scheduled tribes in the autonomous districts of Assam) in the Legislative Assembly of every State for the time being specified in Part I of the First Schedule; and</p> <p>(b) the Indian Christian community in the Legislative Assemblies of the States of Madras and Bombay, according to the scale prescribed in clause (3) of article 149 of this Constitution.</p> <p>(2) Seats shall be reserved also for the autonomous districts in the Legislative Assembly of the State of Assam.</p> <p>(3) The number of seats reserved for any community in the Legislative Assembly of any State for the time being specified in Part I of the First Schedule shall bear, as nearly as may be, the same proportion to the Total number of seats in that Assembly as the population of the community in the State bears to the Total population of the State.</p> <p><b>Explanation.</b>—All the Scheduled Castes in a State shall be deemed to be a single community for the purposes of this clause and so also all the scheduled tribes in a State.</p> <p>(4) The number of seats reserved for an autonomous district in the Legislative Assembly of the State of Assam shall bear to the Total number of seats in that Assembly a proportion not less than the population of the district bears to the Total population of the State.</p> <p>(5) The constituencies for the seats reserved for any autonomous district of the State of Assam shall not</p>	

	<p>comprise any area outside that district.</p> <p>(6) No person who is not a member of a scheduled tribe of any autonomous district of the State of Assam shall be eligible for election to the Legislative Assembly of the State from any constituency of that district *[except from the constituency comprising the cantonment and municipality of Shillong].</p>	
Special provisions regarding the representation of the Anglo-Indian community in the Legislative Assemblies of the States.	<b>295.</b> Notwithstanding anything contained in article 149 of this Constitution, the Governor of a State may, if he is of opinion that the Anglo-Indian community is not adequately represented in the legislative Assembly of the State, nominate such number of members of the community to the Legislative Assembly as he considers appropriate.	
Claims of minority communities to services & posts.	<b>296.</b> Subject to the provisions of the next succeeding article the claims of all minority communities shall be taken into consideration, consistently with the maintenance of efficiency of administration, in the making of appointments to services and posts in connection with the affairs of the Union or of a State for the time being specified in Part I of the First Schedule.	
Special provision for Anglo-Indian community in certain services.	<b>297.</b> (1) During the first two years after the commencement of this Constitution, appointments of members of the Anglo-Indian community to posts in the railway, customs, postal and telegraph services of the Union shall be made on the same basis as immediately before the fifteenth day of August 1947. During every succeeding period of two years, the number of posts reserved for the members of the said community in the said services shall, as nearly as possible, be less by ten per cent than the numbers so reserved during the immediately preceding period of two years:	

	<p>Provided that at the end of ten years from the commencement of this Constitution all such reservations shall cease.</p> <p>(2) Nothing in clause (1) shall bar the appointment of members of the Anglo-Indian community to posts other than, or in addition to, those reserved for the community under that clause if such members are found qualified for appointment on merit as compared with the members of other communities.</p>	
<p>Special provision for Anglo-Indian community in certain services.</p>	<p><b>298.</b> During the first three financial years after the commencement of this Constitution, the same grants, if any, shall be made by the Union-and by each State for the time being specified in Part I of the First Schedule for the benefit of the Anglo-Indian community in respect of education as were made in the financial year ending on the 31st day of March 1948.</p> <p>During every succeeding period of three years the grants may be less by ten per cent than those for the immediately preceding period of three years:</p> <p>Provided that at the end of ten years from the commencement of this Constitution, such grants, to the extent to which they are a special concession to the Anglo-Indian community, shall cease:</p> <p>Provided further that no educational institution shall be entitled to receive any grant under this article unless at least forty per cent of the annual admissions therein are made available to members of communities other than the Angle-Indian community.</p>	
<p>Special Officers for minorities for the Union &amp; States.</p>	<p><b>299.</b> (1) There shall be a Special Officer for minorities for the Union who shall be appointed by the President, and a Special Officer for minorities for each State for the time being specified in Part I of the First Schedule who shall be appointed by the</p>	

	<p>Governor of the State.</p> <p>(2) It shall be the duty of the Special Officer for the Union to investigate all matters relating to the safeguards provided for minorities under this Constitution in connection with the affairs of the Union and to report to the President upon the working of the safeguards at such intervals as the President may direct, and the President shall cause all such reports to be laid before Parliament.</p> <p>(3) It shall be the duty of the Special Officer for a State so specified to investigate all matters relating to the safeguards provided for minorities under this Constitution in connection with the affairs of the State and to report to the Governor of the State upon the working of the safeguards at such intervals as the Governor may direct and the Governor shall cause all such reports to be laid before the Legislature of the State.</p>	
<p>Control of the Union over the administration of scheduled areas &amp; welfare of scheduled tribes in States in Part I of the first Schedule.</p>	<p><b>300.</b> (1) The President may at any time and shall, on the expiration of ten years from the commencement of this Constitution, by order, appoint a Commission to report on the administration of the scheduled areas and the welfare of the scheduled tribes in the States for the time being specified in Part I of the First Schedule.</p> <p>The order may define the composition, powers and procedure of the Commission and may contain such incidental or ancillary provisions as the President may consider necessary or desirable.</p> <p>(2) The executive power of the Union shall extend to the giving of directions to such a State as to the drawing up and execution of schemes specified in the direction to be essential for the welfare of the I scheduled tribes in the State,</p>	
<p>Appointment of a Commission to investigate</p>	<p><b>301.</b></p> <p>(1) The President may by order- appoint a Commission consisting of such persons as he thinks fit to</p>	

<p>the conditions of backward classes.</p>	<p>investigate the conditions of socially and educationally backward classes within the territory of India and the difficulties under which they labour and to make recommendations as to the steps that should be taken by the Union or any State to remove such difficulties and to improve their condition and as to the grants that should be given for the purpose by the Union or any State and the conditions subject to which such grants should be given, and the order appointing such Commission shall define the procedure to be followed by the Commission.</p> <p>(2) A Commission so appointed shall investigate the matters referred to them and present to the President a report setting out the facts as found by them and making such recommendations as they think proper.</p> <p>(3) The President shall cause a copy of the report so presented, together with a memorandum explaining the action taken thereon to be laid before Parliament.</p>
--	--

**PART XV**  
**Miscellaneous**

<p>Protection of President &amp; Governors.</p>	<p><b>302.</b></p> <p>(1) The President or the Governor of a State shall not be answerable to any court for the exercise and performance of the powers and duties of his office or for any act done or purporting to be done by him in the exercise and performance of those powers and duties:</p> <p>Provided that the conduct of the President may be brought under review by any court, tribunal or body appointed or designated by either House of Parliament for the investigation of a charge under article 50 of this Constitution:</p> <p>Provided further that nothing in this clause shall be</p>
---	--



	<p>construed as restricting the right of any person to 16 bring against the Government of India or the Government of a State such proceedings as are mentioned in Chapter III of Part X of this Constitution.</p> <p>(2) No criminal proceedings whatsoever shall be instituted or continued against the President or the Governor of a State in any court during his term of office.</p> <p>(3) No process for the arrest or imprisonment of the President or the Governor of a State shall issue from any court during his term of office.</p> <p>(4) No civil proceedings in which relief is claimed against the President or the Governor of a State shall be instituted during his term of office in any court in respect of any act done or purporting to be done by him in his personal capacity, whether before or after he entered upon his office as President or Governor of such State, until the expiration of two months next after notice in writing has been delivered to the President or the Governor, as the case may be, or left at his office stating the nature of the proceedings, the cause of action therefor, the name, description and place of residence of the party by whom such proceedings are to be instituted and the relief which he claims*</p>	
<p>Interpretation etc.</p>	<p><b>303.</b> (1) In this Constitution, unless the context otherwise requires, the following expressions have the meanings hereby respectively assigned to them, that is to <b>say—</b></p> <p>(a) "agricultural income" means agricultural income as defined for the purposes of the enactments relating to Indian income-tax;</p> <p>(b) "an Anglo-Indian" means a person whose father or any of whose other male progenitors in the male line is or was of European descent but who is domiciled within the territory of India and is or was born within</p>	

	<p>such territory of parents habitually resident therein and not established there for temporary purposes only;</p> <p>(c) "an Indian Christian" means a person who professes any form of the Christian religion and is not a European or an Anglo-Indian;</p> <p>(d) "borrow" includes the raising of money by the grant of annuities, and "loan" shall be construed accordingly;</p> <p>(e) "Chief Justice" includes in relation to a High Court a Chief Judge;</p> <p>(f) "corporation tax" means any tax on income, so far as that tax is payable by companies and is a tax in the case of which the following conditions are fulfilled:—</p> <p>(i) that it is not chargeable in respect of agricultural income;</p> <p>(ii) that no deduction in respect of the tax paid by companies is, by any enactments which may apply to the tax, authorised to be made from dividends payable by the companies to individuals;</p> <p>(iii) that no provision exists for taking the tax so paid into account in computing for the purposes of Indian income-tax the Total income of individuals receiving such dividends, or in computing the Indian income-tax payable by, or 40 refundable to, such individuals;</p> <p>(g) "corresponding Province" or "corresponding State" means in cases of doubt such Province or State as may be determined by the President to be the corresponding Province or, as the case may be, the corresponding State for the particular purpose in question;</p> <p>(h) "debt" includes any liability in respect of any obligation to repay capital sums by way of annuities and any liability under any guarantee, and "debt charges" shall be construed accordingly;</p> <p>(i) "existing law" means any law, Ordinance, order, bye-law, rule or regulation passed or made before the commencement of this Constitution by any legislature, authority or person having power to make</p>	
--	--	--

	<p>such a law, Ordinance, order, bye-law, rule or regulation but does not include any Act of Parliament of the United Kingdom or any Order in Council made under any such Act;</p> <p>(j) "Federal Court" means the Federal Court constituted under the Government of India Act, 1935;</p> <p>(k) "goods" includes all materials, commodities, and articles;</p> <p>(l) "guarantee" includes any obligation undertaken before the commencement of this Constitution to make payments in the event of the profits of an undertaking falling short of a specified amount;</p> <p>(m) "pension" means a pension, whether contributory or not, of any kind whatsoever payable to or in respect of any person, and includes retired pay so payable, a gratuity so payable and any sum or sums so payable by way of the return, with or without interest thereon or any other addition thereto, of subscriptions to a provident fund;</p> <p>(n) "public notification" means a notification in the Gazette of India, or, as the case may be, the official Gazette of a State;</p> <p>(o) "securities" includes stock;</p> <p>(p) "taxation" includes the imposition of any tax or impost, whether general or Total or special, and "tax" shall be construed accordingly;</p> <p>(q) "tax on income" includes a tax in the nature of an excess profits tax;</p> <p>(r) "railway" includes a tramway not wholly within a municipal area;</p> <p>(s) "Union railway" does not include an Indian State railway but, save as aforesaid, includes any railway not being a minor railway;</p> <p>(t) "Indian State railway" means a railway owned by a State for the time being specified in Part III of the First Schedule and either operated by such State, or operated on behalf of such State otherwise than in accordance with a contract made with that State by or on behalf of the Government of India, or any company operating a Union railway;</p>	
--	---	--

	<p>(u) "minor railway" means a railway which is wholly situate in one State and does not form a continuous line of communication with a Union railway, whether of the same gauge or not;</p> <p>(v) "Schedule" means a Schedule to this Constitution ;</p> <p>(w) "Scheduled Castes" means in relation to any State for the time being specified in Part I of the First Schedule such castes, races or tribes or parts of or groups within castes, races or tribes as are specified in the Government of India (Scheduled Castes) Order, 1936, to be scheduled castes for the purposes of the Fifth and Sixth Schedules to the Government of India Act, 1935. in relation to the corresponding Province;</p> <p>(x) "scheduled tribes" means the tribes or communities specified in Parts I to IX of the Eighth Schedule in relation to the States for the time being specified in Part I of the First Schedule to which those Parts respectively relate.</p> <p>(2) Unless the context otherwise requires, the General Clauses Act, 1897 (X of 1897), shall apply for the interpretation of this Constitution.</p> <p>(3) Any reference in this Constitution to Acts or laws of, or made by, Parliament or Acts or laws of, or made by, the Legislature of a State for the time being specified in Part I of the First Schedule shall be construed as including a reference to an Ordinance made by the President or, as the case may be, to an Ordinance made by a Governor.</p>	
--	--	--

**PART XVI**  
**Amendment of the Constitution**

<p>Procedure for amendment of the Constitution.</p>	<p><b>304.</b> (1) An amendment of the Constitution may be initiated by the introduction of a Bill for the purpose in either House of Parliament, and when the Bill is passed in</p>	
---	--	--

each House by a majority of the Total membership of that House and by a majority of not less than two-thirds of the members of that House present and voting, it shall be presented to the President for his assent and upon such assent being given to the Bill, the Constitution shall stand amended in accordance with the terms of the Bill:

Provided that if such amendment seeks to make any change in—

- \*(a) any of the Lists in the Seventh Schedule;
- (b) the representation of States in Parliament; or
- (c) the powers of the Supreme Court, the amendment shall also require to be ratified by the Legislatures of not less than one-half of the States for the time being specified in Part I of the First Schedule and the Legislatures of not less than one-third of the States for the time being specified in Part III of that Schedule.

\*(2) Notwithstanding anything in the last preceding clause, an amendment, of the Constitution seeking to make any change in the provisions of this Constitution relating to the \*method of choosing a Governor or the number of Houses of the

Legislature in any State for the time being specified in Part I of the First Schedule may be initiated by the introduction of a Bill for the purpose in the Legislative Assembly of the State or, where the State has a Legislative Council, in either House of the Legislature of the State, and when the Bill is passed by the Legislative Assembly or, where the State has a Legislative Council, by both Houses of the Legislature of the State, by a majority of the Total membership of the Assembly or each House, as the case may be, it shall be submitted to Parliament for ratification, and when it is ratified by each House of Parliament by a majority of the Total membership of that House it shall be presented to the President for assent and upon such assent being given to the Bill. the Constitution shall stand amended in accordance

	<p>with the terms of the Bill.</p> <p><b>Explanation.</b>—Where a group of States is for the time being specified in Part III of the First Schedule, the entire group shall be deemed to be a single State for the purposes of the proviso to clause (1) of this article.</p>	
<p>Reservation of seats for minorities to remain in force for only ten years unless continued in operation by amendment of the Constitution.</p>	<p><b>305.</b> Notwithstanding anything contained in article 304 of this Constitution, the provisions of this Constitution relating to the reservation of seats for the Muslims, the Scheduled Castes, the scheduled tribes or the Indian Christians either in Parliament or in the Legislature of any State for the time being specified in Part I of the First Schedule shall not be amended during a period of ten years from the commencement of this Constitution and shall cease to have effect on the expiration of that period unless continued in operation by an amendment of the Constitution.</p>	

**PART XVII**  
**Temporary and Transitional**  
**Provisions**

<p>Temporary power to Parliament to make laws with respect to certain matters in the State list as if they were matters in the Concurrent List. Continuance in force of existing laws &amp; their</p>	<p><b>*306.</b> Notwithstanding anything in this Constitution, Parliament shall, during a period of five years from the commencement of this Constitution, have power to make laws with respect to the following matters as if they were enumerated in the Concurrent List, namely:—</p> <p>(a) trade and commerce within a State in, and the production, supply and distribution of, cotton and woollen textiles, paper (including newsprint), foodstuffs (including edible oil-seeds and oil), petroleum and petroleum products, spare parts of mechanically propelled vehicles, coal, iron, steel and mica:</p> <p>(b) relief and rehabilitation of displaced persons;</p>	
---	---	--

<p>adoption.</p>	<p>(c) offences against laws with respect to any of the matters mentioned in clauses (a) and (b) of this article, inquiries and statistics for the purposes of any of those matters, jurisdiction and powers of all courts except the Supreme Court with respect to any of those matters, and fees in respect of any of those matters but not including fees taken in any court;</p> <p>but any law made by Parliament, which Parliament would not but for the provisions of this article have been competent to make, shall to the extent of the incompetence cease to have effect on the expiration of the said period except as respects things done or omitted to be done before the expiration thereof.</p>	
<p>Continuance in force of existing laws &amp; their adoption.</p>	<p><b>307.</b></p> <p>(1) Subject to the other provisions of this Constitution, all the law in force in the territory of India immediately before the commencement of this Constitution shall continue in force therein until altered or repealed or amended by a competent Legislature or other competent authority.</p> <p>(2) The President may, by Order, provide that, as from such date as may be specified in the Order, any law in force in the territory of India or in any part of such territory shall, until repealed or amended by a competent Legislature or other competent authority, have effect subject to such adaptations and modifications, whether by way of repeal or amendment, as appear to him to be necessary or expedient for bringing the provisions of that law into accord with the provisions of this Constitution and any such adaptation or modification shall not be questioned in any court of law.</p> <p><b>Explanation 1.</b>—The expression "law in force*" in this article shall include a law passed or made by a Legislature or other competent authority in the territory of India before the commencement of this Constitution and not previously repealed,</p>	

	<p>notwithstanding that it or parts of it may not be then in operation either at all or in particular areas.</p> <p><b>Explanation II.</b>—Any law passed or made by a Legislature or other competent authority in the territory of India which immediately before the commencement of this Constitution has extra territorial effect as well as effect in the territory of India shall, subject to any such adaptations and modifications as aforesaid, continue to have extra-territorial effect.</p> <p><b>Explanation III.</b>—Nothing in this article shall be construed as continuing any temporary Act in force beyond the date fixed for its expiration.</p>	
<p>Judges of the Federal Court to become judges of the Supreme Court &amp; proceedings pending in the Federal Court or before His Majesty in Council to be transferred to the Supreme Court.</p>	<p><b>308.</b></p> <p>(1) The judges of the Federal Court holding office immediately before the date of commencement of this Constitution shall, unless they have elected otherwise, become on that date the judges of the Supreme Court and, shall thereupon be entitled to such salaries and allowances and to such rights in respect of leave and pension's as are provided for under article 104 of this Constitution in respect of the judges of the Supreme Court.</p> <p>(2) All suits, appeals and proceedings, civil or criminal, pending in the Federal Court at the commencement of this Constitution shall stand removed to the Supreme Court, and the Supreme Court shall have jurisdiction to hear and determine the same and the judgements and orders of the Federal Court delivered or made before the commencement of this Constitution shall have the same force and effect as if they had been delivered or made by the Supreme Court.</p> <p>* (3) On and from the date of commencement of this Constitution the jurisdiction of His Majesty in Council to entertain and dispose of appeals and petitions from or in respect of any decree or order of any court within the territory of India including the jurisdiction in respect of criminal matters exercisable by His</p>	



	<p>Majesty by virtue of His Majesty's prerogative shall cease, and all appeals and other proceedings pending before His Majesty in Council on the said date shall be transferred to, and disposed of, by the Supreme Court.</p> <p>(4) Further provision may be made by Parliament by law to give effect to the provisions of this article.</p>	
<p>Courts, authorities &amp; officers to continue to function after the commencement of this constitution subject to provisions thereof.</p>	<p><b>309.</b> All courts of civil, criminal and revenue jurisdiction, all authorities and all officers, judicial, executive and ministerial, throughout the territory of India shall continue to exercise their respective functions subject to the provisions of this Constitution.</p>	
<p>Provisions as to judges of High Courts.</p>	<p><b>310.</b> The judges of a High Court in any Province holding office immediately before the date of commencement of this Constitution shall, unless they have elected otherwise, become on that date the judges of the High Court in the corresponding State, and shall thereupon be entitled to such salaries and allowances and to such rights in respect of leave and pensions as are provided for under article 197 of this Constitution in respect of the judges of such High Court.</p>	
<p>Provisions as to provisional Legislature of the Union, President, etc.</p>	<p><b>311.</b></p> <p>(1) Until both Houses of Parliament have been duly constituted and summoned to meet for the first session under this Constitution, the Constituent Assembly of the Dominion of India shall itself exercise all the powers and perform all the duties conferred on Parliament and may in particular make law for securing the due constitution of the two</p>	

	<p>Houses of Parliament and for providing for all matters relating to or connected with elections to either House of Parliament including the delimitation of constituencies and for such other ancillary and consequential matters as may be deemed necessary for the purpose of giving effect to the provisions of this Constitution.</p> <p><b>Explanation:</b>—For the purposes of this clause, the Constituent Assembly of the Dominion of India includes members chosen to fill casual vacancies in that Assembly in accordance with rules made in that behalf by the Assembly, but shall not include any members representing any territory not included in the First Schedule.</p> <p>(2) The Speaker of the Constituent Assembly when functioning as the Dominion Legislature under the Government of India Act, 1935, shall continue to be the Speaker of such Assembly functioning under clause (1) of this article.</p> <p>* (3) Such person as the Constituent Assembly of the Dominion of India shall have elected in this behalf shall be the provisional President of India until a President has been elected in accordance with the provisions contained in Chapter I of Part V of this Constitution and has entered upon his office.</p> <p>(4) All persons holding office as ministers for the Dominion of India immediately before the commencement of this Constitution shall after such commencement become members of the Council of ministers of the provisional President under this Constitution.</p>	
<p>Provisions as to provisional Legislature, Governor, etc. in each State in Part I of the First Schedule.</p>	<p><b>312.</b></p> <p>(1) Until the House or Houses of the Legislature of each State for the time being specified in Part I of the First Schedule has or have been duly constituted and summoned to meet for the first session under the provisions of this Constitution, the House or Houses of the Legislature of the corresponding Province</p>	

	<p>functioning immediately before the commencement of this Constitution shall exercise the powers and perform the duties conferred by the provisions of this Constitution on the House or Houses of the Legislature of such State.</p> <p>(2) Any person holding office as Speaker of the Legislative Assembly or President of the Legislative Council of a Province immediately before the commencement of this Constitution shall after such commencement be the Speaker of the Legislative Assembly or the Chairman of the Legislative Council, as the case may be, of the corresponding State for the time being specified in Part I of the First Schedule while such Assembly or Council functions under clause (1) of this article.</p> <p>(3) Any person holding office as Governor in any Province immediately before the commencement of this Constitution shall after such commencement be the provisional Governor of the corresponding State for the time being specified in Part I of the First Schedule until a new Governor has been elected/<u>appointed</u> in accordance with the provisions of Chapter II of Part VI of this Constitution and has entered upon his office.</p> <p>(4) All persons holding office as ministers in a Province immediately before the commencement of this Constitution shall after such commencement become members of the Council of ministers of the provisional Governor of the corresponding State for the time being specified in Part I of the First Schedule.</p>	
<p>Power of the President to remove difficulties.</p>	<p><b>313.</b></p> <p>(1) Subject to the provisions of clause (1) of article 311 of this Constitution, the President may, for the purpose of removing any difficulties, particularly in relation to the transition from the provisions of the Government of India Act, 1935, to the provisions of this Constitution, by Order, direct that this Constitution shall, during such period as may be specified in the</p>	

	<p>Order, have effect subject to such adaptations, whether by way of variation, addition, or repeal, as he may deem to be necessary or expedient:</p> <p>Provided that no such order shall be made after the first meeting of Parliament duly constituted under Chapter II of Part V of this Constitution.</p> <p>(2) Every order made under clause (1) of this article shall be laid before each House of Parliament.</p>	
--	--	--

### PART XVIII

#### Commencement and Repeals.

Commencement.	<b>314.</b> This Constitution shall come into force on.....	
Repeals	<b>315.</b> The Indian Independence Act, 1947, and the Government of India Act, 1935, including the India (Central Government and Legislature) Act, 1946, and all other enactments amending or supplementing the Government of India Act, 1935, shall cease to have effect,	

[Contents](#)

[Continued...](#)